

1 THE HONORABLE JOHN C. COUGHENOUR

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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 JESSE D. McCANDLESS,

CASE NO. C19-0599-JCC

10 Plaintiff,

ORDER

11 v.

12 STATE OF WASHINGTON,

13 Defendant.
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15 This matter comes before the Court on the report and recommendation of the Honorable
16 Mary Alice Theiler, United States Magistrate Judge (Dkt. No. 8). Having thoroughly considered
17 the relevant record, the Court hereby finds and ORDERS:

18 (1) The report and recommendation (Dkt. No. 8) is ADOPTED;

19 (2) Petitioner's petition for writ of habeas corpus (Dkt. No. 6), and this action, are
20 DISMISSED without prejudice for failure to exhaust state court remedies;

21 (3) In accordance with Rule 11 of the Rules Governing Section 2254 Cases in the
22 United States District Courts, a certificate of appealability is DENIED; and

23 (4) The Clerk is DIRECTED to send copies of this order to Petitioner and Judge
24 Theiler.

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1 DATED this 12th day of July 2019.

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5 John C. Coughenour
6 UNITED STATES DISTRICT JUDGE
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